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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,019	01/20/2000	Yuji Kumakura	1614.1024	3839

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/488,019

Applicant(s)

KUMAKURA, YUJI

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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*DETAILED ACTION*

This Office Action is the response to the communication received on October 21, 2002 Amendment under 37 CFR § 1.116. Reconsideration of the instant application is requested by applicants. All such supporting documentation has been placed of record in the file. Claims 1-27 are pending in this application.

*Response to Arguments*

Regarding rejection of the claims 1-27 under 35 U.S.C. § 102(b): Examiner has evaluated applicant's arguments of October 21, 2002 correspondence which has been fully considered and is moot in view of new grounds of rejection.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stupek Jr, et al USPN 5,586,304.

CLAIM 1,10 &19 (amended)

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Stupek anticipates and information Processor with a control information retrieving part retrieving control information that is used to execute a program; [Stupek, 5:34, see control file]

a destination defining part defining destination address information that is indicated by a user and a location different from a current location where the program is stored ; [Stupek 5:40-42, see staging area part #(19) from fig 1].

a moving part moving the program in accordance with the destination address information [Stupek 5:43-46, see package directory], wherein said moving part comprises: a copying part retrieving the current address information corresponding to said definition name included in said control information in accordance with said definition information and copying all information, which is stored at a current address indicated by the current address information in accordance with the destination address(3:64-4:20, for copying part see retriever, and for address information and see upgrade information); and

a deleting part deleting all information stored at the current address (5:50-54, examiner still interprets deleting control information to read on deleting part as claimed, Applicant doesn't specify what is being deleted in claims);

a control information changing part changing the control information based on the destination address information. [Stupek 5:48-51].

#### *CLAIM 6,15,&24*

The information processor as claimed in claim 1, wherein said control information comprises definition information including at least one destination address information related to the program and including at least one definition name uniquely assigned to the destination address information, and wherein said control information changing part comprises a changing part changing said control information based on said definition information. [Stupek 2:5-40 for definition information, see upgrade information as interpreted by examiner, and also see location for destination address as interpreted by examiner].

#### *CLAIM 7, 16, &25*

The information processor as claimed in claim 1, wherein said control information comprises:

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current address information indicating where the program is stored in a storage device;  
[Stupek 2:5-15 see CD-ROM and location for destination address as interpreted by examiner]

definition information including at least one destination address information related to the program and including at least one definition name uniquely assigned to the destination address information,

wherein said control information changing part comprises [Stupek 5: 50-54];

a changing part changing the current address information included in said control information based on the destination address information included in said definition information.  
[Stupek 2:1-10 see Later version, also refer to *abstract*, and *claim 1 for replacing*]

**CLAIM 8,17, &26**

The information processor as claimed in claim 1, wherein said control information comprises:

program information to execute the program;

[Stupek 4:30-43 see upgrade & executed at *installation* as interpreted by examiner]

and data information related to data created or edited by executing said program, and wherein said moving part comprises: [Stupek 2:5-10 see upgrade information with respect to resource]

a program moving part moving the program;[moving as interpreted by examiner is upgrading or replacing previous address/location/or target program or computer using upgrade or install disk or Database, refer to upgrade as cited, Stupek 2:5-10 see upgrade information, also refer to storage for older versions 5:53-58]

and [Stupek 2:5-10 see upgrade information with respect to resource]

a data moving part moving the data when the program is moved by said program moving part.[6:10-30,see upgrade objects,as interpreted these are portions/parts/components within structure which can be moved/upgraded/copied etc as indicated by upgrade advisor, see Fig 1]

**CLAIM 9,18, &27**

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The information processor as claimed in claim 1, further comprising an installing part installing said program [Stupek 2:10-15].

*CLAIM 2, 11, & 20*

The information processor as claimed in claim 1, wherein said control information comprises current address information indicating where the program is stored in a storage device, and wherein said changing comprises a replacing part replacing the current address information with the destination address information to which the program is moved.

[Stupek 1: 55-67 for upgrade, which is interpreted as replacing current address information, also see 2:1-10 for Later version, also refer to *abstract*, & *claim 1*]

With regards to claims not covered see previous rejection.

*Correspondence Information*

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Greg Morse* can be reached at (703) 308-4789.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*For facsimile (fax) send to 703-7467239 official and 703-7467240 draft*

*Chuck O. Kendall*

Software Engineer Patent Examiner

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